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EXHIBIT A

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Counsel for James Nelsen

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NELSEN,

Defendant.

No. CR 09-01168 RMW

STIPULATION RE CONTINUANCE
OF STATUS DATE; ☐
ORDER

It is hereby stipulated between the defendant James Nelsen, by and through his attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B. Schenk, that the status date of July 30, 2012, at 9:00 a.m. be continued to October 15, 2012, at 9:00 a.m. The reason for this continuance is that James Nelsen arrived at the FMC Butner on June 14, 2012. The commitment statute, 18 USC 4241, provides for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is such a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the proceedings to go forward. Since James Nelsen just arrived at FMC Butner, a continuance of the status date to October 15, 2012, will allow sufficient time to complete the required evaluation before Mr. Nelsen is transported back to the Northern District of California.

STIPULATION RE CONTINUANCE;
☐ ORDER

1 Under Title 18 U.S. C. §3161(h)(1)(A), any period of delay resulting from any proceeding to
2 determine the mental competency or physical capacity of the defendant is excluded from the speedy
3 trial calculation. Since we are awaiting the evaluation from FMC Butner, the time period from July
4 30, 2012, through October 15, 2012, should be excluded.

5 It is so stipulated.

6 Dated: July 4, 2012

Respectfully submitted,

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9 /s/ Vicki H. Young
VICKI H. YOUNG, ESQ.
Attorney for James Nelsen

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11 Dated: July 4, 2012

MELINDA HAAG
UNITED STATES ATTORNEY

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14 /s/ Jeffrey B. Schenk
JEFFREY B. SCHENK
Assistant United States Attorney

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STIPULATION RE CONTINUANCE;
☐ ORDER

ORDER

GOOD CAUSE BEING SHOWN, the status date appearance set for July 30, 2012, is continued to October 15, 2012. This Court finds that the period from July 30, 2012, through and including October 15, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that any delay resulting from any proceeding to determine the mental competency or physical capacity of the defendant is excluded from the Speedy Trial Calculation. 18 U.S.C. § 3161(h)(1)(A).

DATED: ~~July 26~~ ~~2012~~ FG


RONALD M. WHYTE
SENIOR UNITED STATES DISTRICT JUDGE

STIPULATION RE CONTINUANCE
☐ ORDER